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OCT 31 2006In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Roswell J. Ruka

Application No. 10/663,949

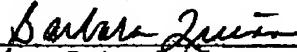
Atty. Docket No: 2003P07614US

Filed: 09/16/2003

Title: **PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE**

Examiner: Keith D. Walker

Art Unit: 1745

➔ **FACSIMILE ATTN TO: Keith D. Walker****FAX NO.: 571-273-8300****NOTICE OF APPEAL AND APPELLANT'S BRIEF**Commissioner for Patents  
Alexandria, VA 22313**Certificate of Transmission under 37 CFR 1.8**I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on  
October 31, 2006.

Barbara Quinn

Typed or printed name of person signing Certificate

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This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg)  
PTO/SB/21 Transmittal (1 pg)  
PTO/SB/31 Notice of Appeal (2 pgs – original & copy)  
Copies of Notice of Appeal and Fee Transmittal dated June 5, 2006 (2 pgs)  
Appellant's Brief in Response to Office Action bearing "date mailed" of 08/25/2006 (17 pgs)  
Declaration of George R. Folser under 37 C.F.R. § 1.31 (4 pgs)

**Number of pages being transmitted (including this cover sheet): 27 pgs**


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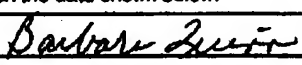
**Siemens Corporation**Legal and Intellectual Property  
Department4400 Alafaya Trail  
Orlando Florida 32828Tel: 407-736-2472  
FAX: 407-736-6440

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/663,949
		Filing Date	09/16/2003
		First Named Inventor	Roswell J. Ruka
		Art Unit	1745
		Examiner Name	Keith D. Walker
Total Number of Pages in This Submission	27	Attorney Docket Number	2003P07614US

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet including a certificate of transmission under 37 CFR 1.8
<b>Remarks</b> Notice of Appeal, Appellant's Brief and Declaration of George R. Folser in response to Office Action bearing "date mailed" of 08/25/2006 are being filed. Fees were previously paid with Notice of Appeal dated June 5, 2006 (see attached copies.)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	SIEMENS		
Signature			
Printed Name	John P. Musone		
Date	October 31, 2006	Reg. No.	44,961

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	Barbara Quinn	Date	October 31, 2006

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OCT 31 2006

PTO/SB/31 (09-04)

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 2003P07614US	
I hereby certify that this correspondence is being transmitted on <u>October 31, 2006</u> via facsimile number <u>(671) 273-8300</u>  Signature _____  Typed or printed name <u>Barbara Quinn</u>		In re Application of <u>R. Ruka et al.</u>	
		Application Number <u>10/663,949</u>	Filed <u>09/16/2003</u>
		For <b>PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE</b>	
		Art Unit <u>1745</u>	Examiner <u>Keith D. Walker</u>
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.  The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 0</u>  <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____  <input type="checkbox"/> A check in the amount of the fee is enclosed.  <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.  <input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.  <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.  <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.  <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>  I am the  <input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)  <input checked="" type="checkbox"/> attorney or agent of record.  Registration number <u>44,961</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.  Registration number if acting under 37 CFR 1.34. _____  <b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</b>			
		 _____ Signature <u>John P. Musone</u> _____ Typed or printed name  <u>407-736-6449</u> _____ Telephone number  <u>October 31, 2006</u> _____ Date	

☐ \*Total of \_\_\_\_\_ forms are submitted.

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I hereby certify that this correspondence is being transmitted on <u>October 31, 2006 via facsimile number</u> <u>(571) 273-8300</u>  Signature _____  Typed or printed name <u>Barbara Quinn</u>	In re Application of <u>R. Ruka et al.</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 2px;">Application Number <b>10/663,949</b></td> <td style="width: 40%; padding: 2px;">Filed <b>09/16/2003</b></td> </tr> </table> For <b>PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Art Unit <b>1745</b></td> <td style="width: 50%; padding: 2px;">Examiner <b>Keith D. Walker</b></td> </tr> </table>		Application Number <b>10/663,949</b>	Filed <b>09/16/2003</b>	Art Unit <b>1745</b>	Examiner <b>Keith D. Walker</b>
Application Number <b>10/663,949</b>	Filed <b>09/16/2003</b>					
Art Unit <b>1745</b>	Examiner <b>Keith D. Walker</b>					

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 0

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

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☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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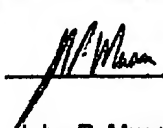
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 44,961.

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
 \_\_\_\_\_  
 Signature  
John P. Musone  
 Typed or printed name  
  
407-736-6449  
 Telephone number  
  
October 31, 2006  
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket Number (Optional)  
2003P07614US

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Signature \_\_\_\_\_

Typed or printed  
name Barbara Quinn

In re Application of

R. Ruka et al.

Application Number

10/663,949

Filed

09/16/2003

For **PLASMA SPRAYED CERAMIC-METAL FUEL  
ELECTRODE**

Art Unit

1745

Examiner

Keith D. Walker

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ \_\_\_\_\_

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 44,961.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_



Signature

John P. Musone

Typed or printed name

407-736-6449

Telephone number

June 5, 2006

Date

**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL  
for FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500**Complete if Known**

Application Number 10/663,949

Filing Date 09/18/2003

First Named Inventor Roswell J. Ruka

Examiner Name Keith D. Walker

Art Unit 1745

Attorney Docket No. 2003P07614US

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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

**Small Entity**

Fee (\$)

Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

Total Claims

360

180

Extra Claims

-20 or HP=

Fee (\$)

Fee Paid (\$)

x

=

Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

x

=

- 3 or HP=

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

**Fees Paid (\$)**

Other (e.g., late filing surcharge): Fee for Brief in Support of an Appeal

500

**SUBMITTED BY**

Signature	<i>John P. Musone</i>	Registration No.	44,961	Telephone	407-736-6449
Name (Print/Type)	JOHN P. MUSONE	(Attorney/Agent)		Date	June 5, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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